

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH MATTHEW ROMANDA,

Petitioner,

Case No. 3:14 CV 1946

-vs-

MEMORANDUM OPINION

JASON BUNTING,

Respondent.

KATZ, J.

Joseph Matthew Romanda, a pro se Ohio prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to Magistrate Judge Greg White for findings of fact, conclusions of law, and recommendations. The Magistrate Judge issued a report recommending that the Court deny Romanda's petition. This matter is before the Court pursuant to Romanda's untimely objections to the Magistrate Judge's report.

On September 14, 2015, Romanda mailed his motion for an additional thirty days to file his objections to the Magistrate Judge's report. (Doc. No. 10). The motion was filed by the Clerk of Court on September 18, 2015. (Doc. No. 10).

The motion was granted on September 21, 2015. The Court's order specifically states: "Extension granted to 10/18/15 to file objection to R&R." (Doc. No. 11, p. 1).

Romanda did not place his objections into the prison mail system until October 20, 2015, two days after the expiration of the extension of time. (Doc. No. 12, p. 7). *See Houston v. Lack*, 487 U.S. 266, 269–72, 276 (1988) (a document is deemed filed when it is given to prison officials to be mailed). Romanda was specifically warned in the Magistrate Judge's report that pursuant to *Thomas v. Arn*, 474 U.S. 140 (1985), and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981), the failure to file timely objections to the report may constitute a waiver of his arguments on

appeal. Despite being granted an extension of time, Romanda still failed to timely file his objections.

The Court finds that the “interest of justice” exception to the *Walters* rule, discussed in *Kent v. Johnson*, 821 F.2d 1220, 1222–23 (6th Cir. 1987), is not applicable to this case. The Court further finds that Romanda’s objections to the Magistrate Judge’s report are barred and his arguments are waived. *Thomas*, 474 U.S. at 155; *Keeling v. Warden*, 673 F.3d 452, 458 (6th Cir. 2012); *Walters*, 638 F.2d at 949–50.

Conclusion

Accordingly, the Magistrate Judge’s report is adopted and Romanda’s petition for a writ of habeas corpus is denied. For the reasons set forth above, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE